

**REMARKS**

Applicants concurrently file herewith an Excess Claim Fee Payment Letter, and corresponding excess claim fee, for one (1) excess independent claim.

Claims 1-5, 8, 9, 14-19, 21-24, and 29-31 are all of the claims presently pending in the application. Applicants have amended claims 1, 14, 23, and 24 to define the claimed invention more particularly. Applicants have added claims 30 and 31 to provide varied protection for the claimed invention and to claim additional features of the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-5, 8, 9, 14-19, and 21-29 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-5, 8, 9, 14-19, and 21-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bakker et al. (U.S. Patent No. 6,234,835; hereinafter “Bakker”).

Applicants respectfully traverse these rejections in the following discussion.

**I. THE CLAIMED INVENTION**

An exemplary embodiment of the claimed invention, as recited by, for example, independent claim 1, is directed to a securing clip for securing a first panel member with a second panel member. The securing clip includes a first fitting portion having a U-character shape, and a second fitting portion having a U-character shape. The securing clip has an S-character shape in cross section. The second fitting portion includes a first engaging pawl

on an inner wall face. The second fitting portion includes an engagement wall having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion. The second fitting portion includes a second engaging pawl opposing the first engaging pawl, wherein the first engaging pawl and the second engaging pawl overlap close to one another vertically. The engagement face of the engagement wall is inclined outwardly away from the opening in the closed end of the U-character shape of the second fitting portion.

Conventional securing clips are subject to the risk of a distortion about the hole in the fender protector which may result in the clip releasing from the hole in the fender protector (e.g., see Application at page 1, line 23 - page 2, line 7).

In stark contrast, the present invention provides a second fitting portion including a second engaging pawl opposing the first engaging pawl, wherein the first engaging pawl and the second engaging pawl overlap close to one another vertically. In this manner, when the engagement face engages a regulation wall of a fender protector, the inclination of the face causes a wedge effect, which tightens the hold of the securing clip to the fender panel if a force attempts to separate the securing clip from the fender protector (e.g., see Application at page 5, lines 3 – 7, and page 9, line 6 – 12).

## II. THE INDEFINITENESS REJECTION

The Examiner alleges that the claimed invention of claims 1-5, 8, 9, 14-19, and 21-29 is indefinite.

While Applicants maintain that one of ordinary skill in the art would clearly understand the claimed invention recited in claims 1-5, 8, 9, 14-19, and 21-29, merely in an effort to speed prosecution, Applicants have amended claims 1, 14, 23, and 24 for clarity.

Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

### III. THE PRIOR ART REJECTION

The Examiner alleges that Bakker teaches the claimed invention of claims 1-5, 8, 9, 14-19, and 21-29. Applicants submit, however, that Bakker does not teach or suggest each feature of the claimed invention.

That is, Bakker does not teach or suggest, “*wherein said second fitting portion comprises a second engaging pawl opposing said first engaging pawl*”, as recited in exemplary claim 1, and similarly recited in exemplary claims 14, 23, and 24.

Applicants point out that:

“During examination, the claims must be interpreted as broadly as their terms reasonably allow. . . . This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. . . . Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say.” (M.P.E.P. 2111.01.I; emphasis added by Applicants).

The Examiner has failed to consider the *plain meaning* of the claimed invention.

Indeed, in the rejection of claims 1-5, 8, 9, 14-19, and 21-29, the Examiner attempts to analogize the tongue 34 and the spring blade 20 of Bakker to the first and second engagement pawls of the claimed invention, respectively.

The claimed invention, however, recites that the first and second engagement pawls are formed on the second fitting member.

In stark contrast, in Bakker, the tongue 34 is formed on the edge clamp 18 (the alleged first fitting member) and the spring blade 20 is formed on connector attachment 22 (the

alleged first fitting member) (e.g., see Bakker at Figure 4).

Accordingly, Bakker does not teach or suggest that the second fitting portion includes a second engaging pawl. The alleged second engaging pawl of Bakker is clearly disposed on the alleged first fitting portion.

Even assuming, arguendo, that the tongue 34 and the spring blade 20 of Bakker are analogous to the first engaging pawl and the second engaging pawl (which Applicants do not concede), Applicants submit that Bakker does not teach or suggest each feature of the claimed invention.

That is, the tongue 34 and the spring blade 20 of Bakker do not overlap close to one another vertically.

Accordingly, Bakker does not teach or suggest, “*wherein the first engaging pawl and the second engaging pawl overlap close to one another vertically*”, as recited in exemplary claim 1, and similarly recited in exemplary claims 14, 23, and 24.

According to this configuration of the claimed invention, since the first engaging pawl and the second engaging pawl overlap in the vertical direction, the securing clip is attached to the fender protector simply and tightly without slipping off (see Application at page 9, line 24 through page 10, line 2).

Therefore, Applicants submit that Bakker does not teach or suggest each feature of the claimed invention. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

#### IV. NEW CLAIMS

Applicants have added new claims 30 and 31 to provide varied protection for the claimed invention and to claim additional features of the invention. New claims 30 and 31

patentable because of the novel and non-obvious features recited therein.

Applicants submit that proposed new claims 30 and 31 are patentable over any combination of the cited references at least based on similar reasons to those set forth above with respect to claims 1-5, 8, 9, 14-19, 21-24, and 29.

## V. FORMAL MATTERS AND CONCLUSION

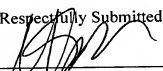
In view of the foregoing, Applicants submit that claims 1-5, 8, 9, 14-19, 21-24, and 29-31, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicants request the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Applicants authorize the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: November 28, 2007

Respectfully Submitted,

  
\_\_\_\_\_  
Scott M. Tulino, Esq.  
Registration No. 48,317

Sean M. McGinn, Esq.  
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
Customer No. 21254